IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3169 OF 2007.

(Pravin Namdeorao Randai & oth.Vs. State of Mah.& oth..)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri Bharat Vora, Advocate for Petitioners.

CORAM : A.H.JOSHI AND
R.C.CHAVAN, JJ.

DATED : JULY 25, 2007.

1. Petitioner had applied for and he was issued caste certificate indicating that he belongs to Mana (Special Backward Classes) as notified by the Government under Resolution Education & Social Department No.CBC-1494/PK-236/MWK-5, dated 13.06.1995, as amended from time to time. The Caste Certificate was submitted for validation. The Committee found it to be valid and issued necessary certificate, which is on record at page 24.

2. In view of judgment in *State of Maharashtra Vs. Mana*

Adeem Jamat Mandal, reported at **2006 (4) SCC 98** the petitioner wants that he should get validity as “Mana” Scheduled Tribe. He has, therefore, prayed for reliefs, which read as follows :

> “*a. Give an appropriate order or direction to the respondents to hold that petitioners are Scheduled Tribe, belonging to “Mana” community, without asking the petitioners to file any other certificate or document.*
>
> *b. Issue direction to respondents No.5 to decide application of petitioner without asking caste verification certificate of father and daughter.*”

3. Petitioners' equation is that once declared as “Mana” ipso facto he is entitled for declaration and validity as “Mana” “Scheduled Tribe”, This proposition is not based on strong legal foundation. The candidate has to prove the fact that he belongs to “Mana” Scheduled Tribe, particularly when petitioner claimed to be belonging to “Mana” of “Special Backward Category”.

4. Admittedly the petitioners were minor when they made application. Their tribe claim is required to be proved by legal evidence. Petitioners claim that they have been appearing before the Committee, but the petitioners' father has failed to

appear. It is solely open to the petitioners to prove their case and none accept them can discharge this burden.

5. We find that it is good fortune of the petitioners that the Committee has not decided the case in their absence or due to their failure to lead evidence in support of their claim. Now, it is up to the petitioners to produce evidence to prove their case and no fault is seen with the committee.

6. In view of this, no further orders are necessary. The petition is, therefore, disposed of.

JUDGE. **JUDGE.**

RR.